

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DAVID EUGENE WELBY, JR.,

Plaintiff,

vs.

SENIOR DEPUTY FAIRCHILD, et al.,

Defendants.

Case No. 6:20-cv-00347-AA
OPINION AND ORDER

AIKEN, District Judge:

Plaintiff David Eugene Welby, Jr., filed this action pro se on March 3, 2020, Doc. 1, along with an Application for Leave to Proceed *in forma pauperis* (“IFP”) (doc. 2). On March 9, 2020, the Court issued an Opinion and Order (doc. 5) that dismissed the Complaint (doc. 1) with leave to amend and denied plaintiff’s IFP Application with leave to refile. In the Opinion, the Court described the deficiencies in the Complaint and gave plaintiff thirty days to file an amended complaint and either pay the filing fee or submit an amended IFP Application. Doc. 5 at 5–9. The Court also

advised plaintiff that failure to file those documents within the allotted time “will result in dismissal of this action.” *Id.* at 9.

On April 7, 2020, the Court granted plaintiff an additional thirty days to file an amended complaint and IFP Application. Doc. 7. By June 17, 2020, plaintiff still had not filed an amended complaint or IFP Application, so the Court issued a Show Cause Order in which plaintiff was directed to show cause in writing within fourteen days why he had not filed an amended complaint and amended IFP Application. Doc. 8 at 2. Plaintiff was advised that failure to show good cause or respond to the order within the allotted time “will result in dismissal of this action.” *Id.*

As of the date of this order, plaintiff has not filed an amended complaint or amended IFP Application or responded to the show cause order. Accordingly, this case is DISMISSED without prejudice pursuant to the Show Cause Order (doc. 8) and the Court’s inherent authority to control its docket and dismiss a case for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962); *Giefloff v. Ocwen*, No. 6:15-cv-01211-MC, 2017 WL 815118, at *1 (D. Or. Mar. 1, 2017) (“[D]ismissal for failure to prosecute is particularly appropriate when such failure is coupled with disobedience to court orders or disregard to established rules.”). A judgment shall be entered accordingly.

IT IS SO ORDERED.

Dated this 20th day of July 2020.

/s/Ann Aiken

Ann Aiken
United States District Judge